

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

ENZON PHARMACEUTICALS, INC.

Plaintiffs,

V.

Civil Action No. 04-1285 GMS

PHOENIX PHARMACOLOGICS, INC.

### Defendants.

**DEFENDANT'S AMENDED ANSWER TO COMPLAINT**

Defendant Phoenix Pharmacologics, Inc. (“Phoenix”), by and through its undersigned counsel, hereby answer Plaintiff’s Complaint, in accordance with the numbered paragraphs thereof, as follows:

### Nature of the Action

1. Phoenix admits that Enzon has styled its Complaint as an action pursuant to 35 U.S.C. § 256.

2. Denied.

3. Denied.

4. Denied.

5. Denied.

## Jurisdiction and Venue

6. Admitted

7. Admitted.

**The Parties**

8. Phoenix is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Complaint and, on that basis, denies the same.

9. Denied.

**Allegations Applicable to Both Counts**

10. Denied to the extent that the Agreement and General Release attached as Exhibit C to the Complaint states that Dr. Clark's employment by Enzon terminated on April 22, 1996.

11. Admitted.

12. Admitted.

13. Admitted.

14. Admitted.

15. Admitted.

16. Admitted.

17. Phoenix is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 17 of the Complaint and, on that basis, denies the same.

**Count I**

18. Phoenix restates its answers to Allegations 1-17 as if set forth herein.

19. Denied.

20. Phoenix is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 20 of the Complaint and, on that basis, denies the same.

21. Phoenix is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 21 of the Complaint and, on that basis, denies the same.

22. Phoenix is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 22 of the Complaint and, on that basis, denies the same.

**Count II**

23. Phoenix restates its answers to Allegations 1-17 as if set forth herein.

24. Denied.

25. Denied.

Defenses

Phoenix avers the following defenses, without prejudice to its right to modify or withdraw any defense and/or to assert additional defenses:

First Defense

Count I is barred under the doctrines of laches and/or equitable estoppel.

Second Defense

Count II is barred under the doctrines of laches and/or equitable estoppel.

July 1, 2005

THE BAYARD FIRM

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November 3, 2004

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